

Practitioner's Docket No. U 014711-1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application  
of \_\_\_\_\_

Inventor(s)

for \_\_\_\_\_

Title of invention

OR

In re application of: ZEEV SCHMILOVITCH, et al.

Serial No.: 10/811,534

Group No. --

Filed: March 29, 2004

Examiner: --

For: SPECTROSCOPIC FLUID ANALYZER

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. 1.97(b))**

**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\***

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Date: April 21, 2004

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JULIAN H. COHEN

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\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

NOTE: 37 C.F.R. 1.98(b):

- (1) *Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date.*
- (2) *Each U.S. patent application published listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date.*
- (3) *Each U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date.*
- (4) *Each foreign patent or published foreign patent application listed in an information disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application.*
- (5) *Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.*

**WARNING:** *No extension of time can be had under 37 C.F.R. § 1.36 (a) or (b) for filing an IDS. 37 C.F.R. § 1.97(f).*

**NOTE:** *The "filing date of a national application" under 37 C.F.R. 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark office, the filing is defined in 37 C.F.R. 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 C.F.R. 1.97(b)(2).*

### **IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. 1.97(b).

**NOTE:** *"No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."*

**NOTE:** *"An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).*

**NOTE:** *"The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).*

**NOTE:** "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

If a fee is required, please charge deposit account 12-0425.



SIGNATURE OF PRACTITIONER

JULIAN H. COHEN

(type or print name of practitioner)

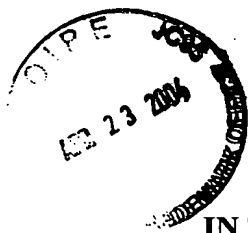
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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: ZEEV SCHMILOVITCH, et al.

Serial No.: 10/811,534

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Attorney Docket No.: U 014711-1

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

We draw the attention of the Examiner to the references listed on the attached Form PTO-1449. Copies of the references are not required, except for RU 2077198 and the English Abstract thereof, because they were already filed in a U.S. application from which an earlier filing date is claimed in this application.

Respectfully submitted,

Julian H. Cohen  
c/o Ladas & Parry  
26 West 61<sup>st</sup> Street  
New York, New York 10023  
Reg. No.: 20302 (212) 708-1887

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**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\***  
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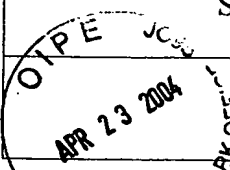
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"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.  
(Information Disclosure Statement Short Form—page 1 of 1) 6-1a

FORM PTO-1449	ATTY DOCKET NO. U 014711-1	SERIAL NUMBER 10/811,534
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANTS' INFORMATION STATEMENT	APPLICANT Gil KATZ, et al.	
	FILING DATE March 29, 2004	GROUP ART UNIT 2877

## U.S. PATENT DOCUMENTS

Examiner's Initials		DOCUMENT NO.	DATE	NAME	CLASS	SUB	FILING DATE
	AA	5,581,086	Dec. 1996	Ben-menachem	250	343	
	AB	5,116,119	May 1992	Brayer	356	28	
	AC	5,816,190	Oct. 1998	Van derLely	119	14.08	
	AD	5,743,209	Apr. 1998	Bazin, et al.	119	14.08	
	AE						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANS- LATION
	AF	WO 98/02720	Jan. 1998	WO			Yes
	AG	WO 98/43070	Oct. 1998	WO			Yes
	AH	RU 2077198	Apr. 1997	RU			No

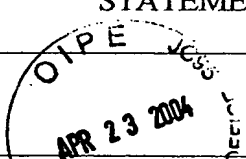
## OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

	AI	<a href="http://www.foodsci.uoguelph.ca/dairyedu/chem.html">http://www.foodsci.uoguelph.ca/dairyedu/chem.html</a> , October 24, 2001.
	AJ	Manabu Kitazawa, et al., "Ultraviolet generation at 266 nm in a novel organic nonlinear optical crystal: L-pyrrolidone-2-carboxylic acid", Appl. Phys. Lett. 64(19), May 9, 1994.
	AK	Jun Kawamata, et al., "Salient nonlinear optical properties of novel organic crystals comprising $\pi$ conjugated ketones", Appl. Phys. Lett. 66(23), June 5, 1995.
	AL	Kazuhisa Yamamoto, et al., "High power blue light generation by frequency doubling of a laser diode in a periodically domain-inverted LiTaO <sub>3</sub> waveguide", Appl. Phys. Lett. 62(21), May 24, 1993.
	AM	Kiminori Mizuuchi, et al., "Second-harmonic generation of blue light in a LiTaO <sub>3</sub> waveguide", Appl. Phys. Lett. 58(24), June 17, 1991.

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449	ATTY DOCKET NO. U 014711-1	SERIAL NUMBER 10/811,534
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANTS' INFORMATION STATEMENT	APPLICANT Gil KATZ, et al.	
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## U.S. PATENT DOCUMENTS

Examiner's Initials		DOCUMENT NO.	DATE	NAME	CLASS	SUB	FILING DATE
	AA						
	AB						
	AC						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANS- LATION
	AD	EP 728413	Aug. 1996	EP			Yes
	AE	EP 595409	May 1994	EP			Yes

## OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

	AF	R.W. Verhoef, et al., "Repulsive interactions of potassium on Re(001)", J. Chem. Phys. 106(22), June 8, 1997.
	AG	E.D. Mishina, et al., "Local probing of the polarization state in thin Pb(ZrTi)O <sub>3</sub> films during polarization reversal", Appl. Phys. Lett. 78(6), February 5, 2001.
	AH	Beth L. Smiley, et al., "Near UV optical second harmonic generation studies of surface-adsorbed tryptophan residues", J. Chem. Phys. 103(8), August 22, 1995.
	AI	R. Tsenkova, et al., "Near Infra-Red Spectroscopy for Dairy Management: Measurement of Unhomogenized Milk Composition", Published in Journal of Dairy Science, Vol. 82, pp. 2344-2351.
	AJ	Z. Schmilovitch, et al., "Fresh raw Milk Analysis by NIR Spectroscopy", Published in Proceedings of the International Symposium on the Prospects for Automatic Milking, Wageningen, Netherlands, EAAP Publication No. 65, pp. 193-198, 1992.
	AK	Z. Schmilovitch, et al., "Low Cost Near Infra-red Sensor for On-Line Milk Composition Measurement", Published in the Proceedings of the XIV Memorial CIGR World Congress, 2000, Tsukuba, Japan.

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